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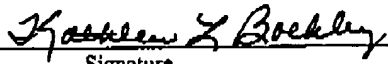
UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Jim Windheuser et al. Confirmation No.: 7818
Serial No.: 10/723,053 Examiner: S. Kennedy
Filing Date: November 26, 2003 Group Art Unit: 3762
Docket No.: 1001.1698103 Customer No.: 28075
For: GUIDEWIRE AND CATHETER LOCKING DEVICE AND METHOD

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1 12/07/2005 HDEMESS1 00000050 500413 10723053
01 FC:1814 130.00 DA
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TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING
REJECTION OVER PRIOR PATENTS (37 C.F.R. § 1.321(c))

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| CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 (1)(i)(B)) | |
| I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at <u>571-273-8300</u> on the date shown below. | |
| Kathleen L. Boekley | |
| Type or print name of person signing certification | |
|  | December 6, 2005 |
| Signature | Date |

Dear Sir:

The owner, Boston Scientific Corporation, full of interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,096,009 and 6,663,597. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

Appl. No. 10/723,053

Term. Discl. dated December 6, 2005

Reply to Office Action of September 6, 2005

statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patents, as "the term of the prior patent is presently shortened by any terminal disclaimer," in the event that the prior patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, have all claims cancelled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory terms as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

As indicated on the Fax Transmission Cover Letter, Applicants authorize terminal disclaimer fees of \$260 (\$130 for each patent being disclaimed) to be charged to Deposit Account No. 50-0413.

Respectfully submitted,

BOSTON SCIENTIFIC CORPORATION

By its Attorney,

Date: 12/6/05



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